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April 9, 2012

**VIA ECF FILING SYSTEM**

The Honorable William C. Griesbach  
U.S. District Court Eastern District  
Green Bay Division  
125 S. Jefferson Street  
Green Bay, WI 54305-2490

RE: *United States of America, et al. v. NCR Corporation, et al.*  
Case No. 10-CV-910-WCG

Dear Judge Griesbach:

The Court has scheduled a hearing for April 12, 2012 at 1:30 p.m. on Plaintiffs' Motion for Preliminary Injunction filed against Defendants NCR Corporation ("NCR") and Appleton Papers Inc. ("API"). Counsel for Plaintiffs, NCR and API have conferred and reached agreement regarding logistics for the hearing and make the following proposal for the Court's consideration:

1. On April 5, NCR and API will identify the witnesses they plan to call live at the motion hearing and provide a report or summary of the topics for their testimony. This has been completed.
2. On April 9, the Plaintiffs will identify the witnesses they plan to call live at the motion hearing and provide a report or summary of the topics for their testimony.
3. The hearing time will be devoted to presentation of evidence, rather than oral argument. NCR/API will get 2/3 of the available time (which we assume to be about 3 hours) and the Plaintiffs will get 1/3. API and NCR reserve the right to object if the Government's portion of the case goes beyond cross examination and legitimate rebuttal.
4. The Parties will use a "chess clock" approach, similar to what was used at the *Whiting* trial. Direct examination time will count against the time of the party offering the witness and cross examination time will count against the time of the party cross examining.

The Honorable William C. Griesbach

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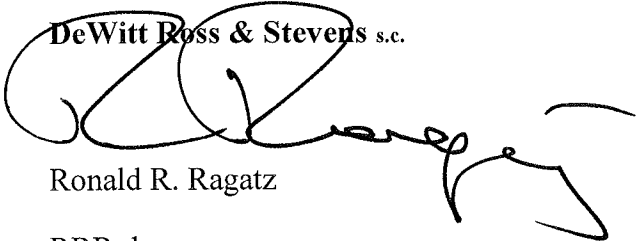
Page 2

5. Written materials to be used at the hearing other than demonstrative exhibits will be filed with the parties' opposition and reply briefs. Demonstrative exhibits will be exchanged no later than 9 a.m. Central on April 12.
6. The parties may rely upon the declarations and associated reports and/or written materials at the hearing and such materials will be received into evidence for the court's consideration even though there may not be time to address all such materials in the live testimony.
7. This proposal is without prejudice to API's and/or NCR's right to assert that the hearing should be adjourned to allow further evidence to be taken.

Plaintiffs, NCR and API suggest that we proceed according to the foregoing if it meets with the Court's approval.

Very truly yours,

**DeWitt Ross & Stevens s.c.**



Ronald R. Ragatz

RRR:dvz

cc: All Counsel of Record (via electronic filing system)